

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 14579 of 2004

Between:

1 Botta Lakshmi d/o. Late Simhachalam
R/o. Mallavaram Village Atchutapuram Mandal,
Visakhapatnam.

2 Rajana Peda Sanni Babu S/o. Late Ramulu
R/o. Mallavaram Village Atchutapuram Mandal,

Visakhapatnam.

3 Rajana Chinna Sanni Babu S/o. Late Ramulu
R/o. Mallavaram Village Atchutapuram Mandal,

Visakhapatnam.

4 Pennama Raju Vijaya Rama Raju S/o. Sanyasi Raju
R/o. Mallavaram Village Atchutapuram Mandal,

Visakhapatnam.

5 Pennama Raju Sanyasi Raju S/o. Late Buchi

Venkatapathi Raju R/o. Mallavaram Village

Atchutapuram Mandal, Visakhapatnam.

6 Pennama Raju Butchi Venkatapathi Raju S/o. Sanyasi

Raju R/o. Mallavaram Village Atchutapuram Mandal,

Visakhapatnam.

..... PETITIONERS

AND

1 The District Collector Visakhapatnam.
2 The Revenue Divisional Officer Visakhapatnam.
3 The Mandal Revenue Officer Munagapaka,

Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the respondents in issuing D. Form Pattas to them for the

land in our occupation i.e., Ac 5 each in Sy.No.1/1 situate at Narendrapuram Village of Cherlopalem Revenue Village, Munagapaka Mandal, Visakhapatnam District is arbitrary, unwarranted, capricious and illegal and in violation of Principles of natural justice and also in violation of Articles 21 and 300 A of Constitution of India and consequently direct the respondents to issue D. Form pattas to us or to pass.

**Counsel for the Petitioner: SMT.N.(P).ANJANA DEVI,
SATYANARAYANA**

Counsel for Respondent: GP FOR REVENUE

The Court Made the Following ORDER:

The petitioners, who are claiming to be in possession of land admeasuring Acs.5.00 each in S.No.1/1 situated at Narendrapuram Village of Cherlopalem Revenue Village since from the last 40 years, filed this writ petition for issuance of D-Form pattas in respect of the land, which is in their occupation and for a direction not to dispossess them from the suit schedule property.

In the additional affidavit filed, it is stated that they are all Sivoijamadras and entitled for assignment under the Board Standing Order 15. Since they are all landless poor persons, their possession cannot be disturbed.

Learned counsel for the petitioner submits that on 3-8-2004 the Mandal Revenue Officer, Munagapaka, the third respondent herein issued a Memo to Mandal Surveyor, Munagapaka, Mandal Revenue Inspector, Munagapaka and Panchayat Secretary, Cherlopalem for making sub division and also to send conversion proposals immediately. When there is a threat of dispossession, the petitioners got issued legal notice on 7-8-2004 requesting respondents 1 and 2 to enquire into the matter and issue necessary directions to respondent No.3 for issuance of D-Form pattas in their favour. He further submits that the legal notice dated 7-8-2004 got issued by the petitioners may be treated as representation and the same may be considered.

The learned Government Pleader submits that the petitioners so far has not

made any application to the third respondent seeking assignment of the said land in their favour, for sending necessary proposals to the higher authorities and to obtain permission for such assignment.

In view of the same, the petitioners are at liberty to make a representation to the respondents specifying the area in their occupation separately. On such application being made, if the possession of the petitioners' is unobjectionable as per the Board Standing Order 15, and there is no objection for assignment of said land in their favour, the respondents, after following due process of law, shall consider the request for such assignment and pass appropriate orders in accordance with law.

The Writ Petition is accordingly disposed of at the admission stage.

A. Gopal Reddy, J.

19th August, 2004.

Js.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

- 1 The District Collector Visakhapatnam.
- 2 The Revenue Divisional Officer Visakhapatnam.
- 3 The Mandal Revenue Officer Munagapaka,

Visakhapatnam District.

4 Two CCs to G.P. for Revenue, High Court Buildings,

Hyderabad. (OUT)

5 2 CD copies.